

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,
Plaintiff,
vs.
KENNETH GORDON WESCOTT
Defendants.

2:14-cr-00085-APG-CWH

ORDER

Based on the Government's Motion to Continue and the Defendant's oral Motion to Continue, and good cause appearing therefore, the Court finds that:

1. The Defendant, Kenneth Wescott was granted the right to act as his own counsel on January 30, 2015 and needs additional time to prepare.

2. Both the government and the defendant have moved to continue the trial and therefore stipulate to the continuance.

3. The government has filed a motion seeking a further Faretta inquiry which is scheduled for February 12, 2015 at 9:00 am.

4. Based upon the parties stipulated agreement that the Defendant needs additional time to be prepared to represent himself at trial, a denial of this request for continuance could result in a miscarriage of justice.

5. The ends of justice served by granting the continuance outweigh the best interest of the public and the defendant in a speedy trial.

6. The additional time requested is excludable in computing the time within which the

1 trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code, Section
2 3161(h)(7)(A), considering the factors under Title 18, United States Code, Sections
3 3161(h)(7)(B)(i), (ii) and (iv).

4 7. This is the fourth request to continue the trial date.

5 **CONCLUSIONS OF LAW**

6 The ends of justice served by granting said continuance outweigh the best interest of the
7 public and the defendant in a speedy trial, since the failure to grant said continuance would be
8 likely to result in a miscarriage of justice, would deny the Court and the parties the opportunity to
9 resolve pending motions, which therefore would deny the parties herein sufficient time and the
10 opportunity to effectively and thoroughly prepare for trial, taking into account the exercise of due
11 diligence.

12 The continuance sought herein is excludable under the Speedy Trial Act, Title 18,
13 United States Code, Section 3161(h)(7) and Title 18 United States Code, §§ 3161 (h)(7)(A), when
14 the considering the factors under Title 18, United States Code, §§ 316(h)(7)(B)(i), (ii) and (iv).

15 **ORDER**

16 IT IS ORDERED that the trial currently scheduled to begin on February 9, 2015 is vacated.

17 IT IS FURTHER ORDERED that the matter is continued to February 12, 2015 at 9:00 am
18 for further hearing on the Government's *Motion to Continue Trial, For a Second Faretta Hearing,*
19 *and Appointment of Standby Counsel.*

20 IT IS FURTHER ORDERED that a date for the calendar call, and trial shall determined at
21 the next hearing.

22 DATED 4th day of February, 2015.

23 
24 THE HONORABLE ANDREW GORDON
UNITED STATES DISTRICT JUDGE